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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,675	12/15/2001	Alexander Vasilevsky	BCS03852	9565
43471	7590	02/08/2008		
Motorola, Inc. Law Department 1303 East Algonquin Road 3rd Floor Schaumburg, IL 60196			EXAMINER VENT, JAMIE J	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 02/08/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com
APT099@motorola.com

Office Action Summary

Application No.

10/017,675

Applicant(s)

VASILEVSKY ET AL.

Examiner

Jamie Vent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received:

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments, see pre-appeal, filed November 23, 2007, with respect to Claim 1 have been fully considered and are persuasive. The final office action of July 18, 2007 has been withdrawn and the following office action is a non-final office action based on the Daniels (2005/0055717) in view of Barton (US 6,233,389).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-11, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable by Daniels et al (US 2005/0055717) in view of Barton (US 6,233,389).

[claim 1]

In regard to Claim 1 Daniels et al discloses a method of digital video program reproduction within defined premises, said method comprising the steps of:

- a) receiving a plurality of electronic audio-visual programs (Figure 5 receiving means 12 as described in paragraph 0117-0121 receives various A/V programs);
- b) storing said programs in memory (Paragraph 0121 records the program into the centralized recording area of element 14 in Figure 5);

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- c) providing a first program reproduction device and a second reproduction device adapted to reproduce programs for viewers/users (Figure 13a-d shows various reproduction devices used to reproduce the program from the centralized storage as further described in Paragraphs 0206-0212);
- d) networking said memory and said program reproduction devices (Paragraphs 0017-0018 and paragraphs 0182-0184 describes the networking of the memory and the reproduction devices);
- e) selecting a program (Paragraphs 0017-0019 describes the selecting of programs from the user to view, record, or reproduce as further seen in Figure 5).
- f) the ability to control reproduction of said selected program among the first and second reproduction devices so that, at the selection of a viewer, said reproduction of said selected program is seamless between said reproduction devices (Paragraphs 0017-0020 describes the control reproduction of a selected program as additionally in paragraphs 0214-0216 that describes the video-on-request feature from the centralized memory to each reproduction device as further seen in Figure 14. Furthermore, it is disclosed a pause can occur on the program by the viewer as described in Paragraph 0062 and paragraphs 0074-0078).

However, fails to disclose the command from user to the first reproduction device having the live-pause event of the reproduction of the selected program and the second reproduction device may resume reproduction of the selected program.

Barton teaches the ability to have multiple reproduction devices as seen in Figure 2 and described in Column 4 Lines 15-33. Additionally, the system, allows for pausing and other commands for the video stream as discussed in Column 6 Lines 47+. The ability to contain multiple reproduction devices and commands such as pausing live tv allows for the user to have full control over the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of digital reproduction, as disclosed by Daniels, and further incorporate a system that has multiple reproduction devices and controls for the video data such as live pause, as disclosed by Barton.

[claim 2]

In regard to Claim 2, Daniels discloses a method wherein said reproduction devices contemporaneously display said selected program (Figure 5 shows the choice of two or more reproduction devices for display purposes).

[claim 3]

In regard to Claim 3, Daniels discloses a system wherein the system each said reproduction device is designated to have, as part of a hierarchy, a control ranking, of first and second reproduction devices (Paragraph 0205-0210 describes the control rankings of the reproduction devices based on VOD selections); during control conflicts, the reproduction device attempting to control playback having the highest control ranking, controls the reproduction of said selected program (Paragraphs 0073-0079 describes the reproduction devices response to the system based on the pause display

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commands and the controlling of the reproduction devices and further seen in Figure 16).

[claim 6]

In regard to Claim 6 Daniels discloses a method wherein comprising the steps of:

- viewing a selected program via a first reproduction device (Figure 16 shows process of transmitting of the selected program to a reproduction device)
- establishing a pause point (Figure 16 step four shows a VOR selection (i.e. pause) from the user);
- pausing the playback of said selected program via said first reproduction device; and resuming the playback of said selected program via a second reproduction device from said pause point (Paragraphs 0015-0122 describes the pausing of the second reproduction device based on the pause point);
- resuming the playback of the selected program via a second reproduction device (Paragraphs 0122-0125 describes the playback of video based on the second reproduction device being used for playback as further seen in Figure 16 wherein the method of determine the proper reproduction device is shown).

[claim 7]

In regard to Claim 7 Daniels discloses a method wherein the first and second reproduction devices are capable of reproducing a selected program independently (Paragraphs 0215 describes the method of selecting and reproducing programs independently).

[claim 8]

In regard to Claim 8, the claimed limitations have been rejected as seen in Claim 1.

[claim 9]

In regard to Claim 9, Daniels discloses wherein said memory is subsumed by a server (Figure 5 shows the use of the memory wherein it is further shown in Figure 13a-d the use of video on demand servers for instant transmission of data programs).

[claim 10]

In regard to Claim 10, the claimed limitations have been rejected as seen in Claim 2.

[claim 11]

In regard to Claim 11, the claimed limitations have been rejected as seen in Claim 3.

[claim 14]

In regard to Claim 14, the claimed limitations have been rejected as seen in Claim 6.

[claim 15]

In regard to Claim 15, the claimed limitations have been rejected as seen in Claim 7.

Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Daniels (US 2005/0055717) in view of Barton (US 6,233,389) in further view of Block (US 4,675,757).

[claims 4 & 12]

In regard to Claims 4 and 12, Daniels in view of Barton, discloses a method in Claim 1, however, fails to disclose the steps of:

- designating one reproduction device as a master device;
- designating other reproduction devices as slave devices; and

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during control conflicts involving the master device and slave devices, allowing the master reproduction device to control playback of said selected program.

Block discloses a system wherein the reproduction devices are master and slave devices as seen in Figure 1 and described in Column 4 Lines 13+. Block teaches the master and slave devices allow a method of having various recording apparatus to control reproducing and playback of programs. Therefore, it would have been obvious to one of ordinary skill in the art to use the reproduction devices, as disclosed by Daniels, and further incorporate a system that provides master and slave reproduction devices, as described by Block.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dunlap (US 5,177,618).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384.

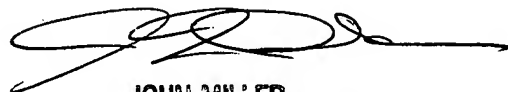
The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJV



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